

**BOROUGH OF ROCKY HILL
COUNCIL MINUTES
November 3, 2010**

The regular meeting of the Borough Council of the Borough of Rocky Hill was called to order by Mayor Edward Zimmerman at 7:30 PM followed by the salute to the Flag.

NOTICE OF COMPLIANCE WITH OPEN PUBLIC MEETINGS ACT

The following statement was read into the record by Mayor Zimmerman: This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting was included in a list of meetings transmitted to the Courier News and Somerset Spectator on January 6, 2010. Notice remains continuously posted as to required notices under the Statute. A copy of this notice is available to the public and is on file in the Office of the Borough Clerk.

ROLL CALL

Mr. Jim Banks-present, Mr. Jeff Donahue-present, Ms. Linda Goldman-present, Ms. Julia Hasser-absent
Mr. Mark Pausch-present, Mr. Robert Steen-absent

Also present: Borough Attorney Albert Cruz, Deputy Clerk Raymond Whitlock

MAYOR'S COMMENTS

Mayor Zimmerman wished Council Member Julia Hasser a speedy recovery.

Mayor Zimmerman updated the Council on the Election results. Mayor Zimmerman informed the Council that there would be two new members as of January 2011. Mayor Zimmerman reminded the Council that the swearing in of the new members would take place on January 1, 2011 at 3:00 PM. Mayor Zimmerman stated the Election results were very humbling, as Council Member Jim Banks was not re-elected. Mayor Zimmerman stated that he was proud to serve along side of Jim Banks and thanked Jim for his time and dedication.

Mayor Zimmerman updated the Council that he has been in touch with David Pettit from Montgomery Township regarding the potential legislation to obtain representation on the school board, as well as equalization of the tax levy and Mr. Pettit had no issues with the proposed legislation. Mayor Zimmerman stated he would be speaking at the Montgomery Township School Board meeting on November 11, 2010 with regard to this issue.

Mayor Zimmerman stated that he has received emails asking him to nominate an outstanding woman in Somerset County. Mayor Zimmerman asked for the Council's consent in nominating Linda Goldman for her outstanding efforts she has put forth on behalf of Rocky Hill. Mayor Zimmerman went on to read the letter he had drafted for submittal stating the reasons he felt Council President Goldman overwhelmingly deserved the award. The Council supported the nomination unanimously with applause for Ms. Goldman.

Mayor Zimmerman read a flyer to the members of Council regarding the Adopt-A-Family program that is being sponsored by Freeholder Pat Walsh. Mayor Zimmerman stated that for a donation of \$40.00 to an area food bank, it would allow them to provide a Thanksgiving meal to those who cannot afford one. Mayor Zimmerman urged the members of Council to support this program by spreading the word regarding this important program.

Mayor Zimmerman informed the Council that there would be a SCGOA meeting on November 10, 2010, and to let Acting Borough Clerk Newman know if anyone would like to attend.

APPROVAL OF MINUTES

Regular Meeting Minutes –October 18, 2010

Approved 11/15/2010

Council Member Donahue asked for clarification to be made to the Town Hall Meeting, to advise why the meeting was held. Motion was made by Banks to approve the minutes with the clarification. Motion seconded by Pausch. Motion carried on roll call vote- all ayes.

For: Banks, Donahue, Pausch

Against: None

Abstain: Goldman

APPROVAL OF VOUCHERS

Deputy Clerk Whitlock requested the approval of the vouchers be moved up on the agenda, as he needed to attend another meeting, and wanted to be present if any members had questions.

Motion was made by Banks to approve the vouchers as presented with the exception of voucher #6232.

Motion seconded by Goldman. Motion carried on roll call vote – all ayes.

For: Banks, Donahue, Goldman, Pausch

Against: None

Abstain: None

Motion was made by Pausch to approve voucher #6232 as presented. Motion seconded by Goldman.

Motion carried on roll call vote- all ayes.

For: Donahue, Goldman, Pausch

Against: None

Abstain: Banks

Zoning Officer Whitlock informed the Council he was able to meet the contractor working on 98 Washington Street. Zoning Officer Whitlock informed the contractor the home was in the historic district and he would need permission from the historic committee to alter the dwelling in anyway. Zoning Officer Whitlock informed the Council that the columns on the porch would be replaced with the same columns.

- Mayor Zimmerman stated that the Rocky Hill Fire Department did an outstanding job with Halloween. Mayor Zimmerman stated it was the biggest turn out the Borough has had and that it was a very nice, safe community event. Mayor Zimmerman thanked the fire department for their participation.

REQUEST OF COUNCIL FOR NEW OR OLD BUSINESS (NOT ON AGENDA)

No items were added to the agenda

PUBLIC COMMENT

The floor was opened to the public for comments/questions. Hearing none, the floor was immediately closed.

STATE POLICE REPORT

State police report dated 10/04/10 for the period September 2010 as received by Lt. Grillon of the NJSP was summarized by Council Member Pausch (copy on file in the office of the Borough Clerk).

ENGINEER'S REPORT

Report dated 11/2/10 for November 2010 as received by Engineer Tanner and filed in the Borough Clerk's office was distributed. Engineer Tanner provided an overview of the report.

Engineer Tanner stated he would send the cell companies letters with the exception of Metro PCS whose antennae was just inspected, regarding the problems on the water tower.

Approved 11/15/2010

Engineer Tanner stated he received a request that the girl scouts be granted permission to plant trees on the land that was burned by the recent brush fire. Engineer Tanner stated that he felt it would be beneficial and therefore would be inclined to grant them permission. Members of Council agreed.

Mayor Zimmerman stated that Council Member Hasser did a fantastic job with the street signs as they were replaced within 48 hours of the last meeting, where approval was granted.

Engineer Tanner stated that he received a second quote to seal the Borough well from Subsurface Environmental Technologies, LLC for \$8,825.00. Engineer Tanner stated that the original quote from Steffen Drilling, LLC was for \$2,900.00. Motion was made by Goldman to approve the contract to Steffen Drilling to seal the Borough Well. Motion was seconded by Banks. Motion carried on roll call vote- all ayes.

For: Banks, Donahue, Goldman, Pausch
Against: None
Abstain: None

PUBLIC COMMENT

The floor was opened to the public for comments/questions. Hearing none floor was immediately closed.

CHIEF FINANCIAL OFFICER'S REPORT

Motion was made by Goldman to accept the CFO's report as presented. Motion seconded by Banks. Motion carried on voice vote-all ayes.

Council President Goldman asked about the status of the Borough Audit. Mayor Zimmerman informed her that it would be distributed as soon as it is delivered.

SPECIAL BUSINESS

Resolution 2010- 69 Resolution to Establish Fees for Duplication of Government Records

Due to legislation signed into law by Governor Christie, the Borough's fee's for duplication of Government Records needed to be revised.

Motion was made by Goldman to approve the resolution as presented. Motion was seconded by Banks. Motion carried on roll call vote- all ayes.

For: Banks, Donahue, Goldman, Pausch
Against: None
Abstain: None

Discussion of Municipal Surplus – Acting Clerk Newman compiled a spreadsheet of excess file cabinets and computer parts for distribution. Attorney Cruz read a resolution to declare the items surplus and to direct the CFO to attempt to auction them at E Auctions, and if unsuccessful, the Borough may donate the items as they see fit or dispose of them properly.

Resolution 2010- 70 Resolution to Declare Municipal Items as Surplus

Motion was made to approve the dictated resolution by Goldman. Motion was seconded by Pausch. Motion carried on roll call vote- all ayes.

For: Banks, Donahue, Goldman, Pausch
Against: None
Abstain: None

UNFINISHED BUSINESS

Resolution 2010- 71 Resolution for Award of Contract for the 2010 Sidewalk and Roadway Improvements

Engineer Tanner informed the Council that he had spoken to the NJDOT regarding the concerns the Council had over the availability of funds due to the current economic climate of the State. Engineer Tanner suggested that since the grant is subject to the approval of the contractor, that language should be added to the resolution stating the contract itself would also be subject to the approval of the NJDOT. Engineer Tanner stated that the resolution was drafted to seek NJDOT's approval before moving forward with the contract.

Motion was made by Pausch to award the 2010 Sidewalk and Roadway Improvements to DeSantis Construction, for the base bid along with alternates 1 & 2 for a total of \$142,618.10. Motion was seconded by Banks. Motion carried on roll call vote- all ayes.

For: Banks, Donahue, Goldman, Pausch
Against: None
Abstain: None

Mayor Zimmerman asked that the Ordinance discussion be held until after the Executive Session.

Buildings & Grounds

-Council Member Donahue stated that he received a quote of \$250.00 from Nelson Glass to repair the broken window in the bathroom.

Motion was made by Donahue to approve an amount of \$250.00 to repair the broken window as needed. Motion was seconded Banks. Motion carried on roll call vote- all ayes.

For: Banks, Donahue, Goldman, Pausch
Against: None
Abstain: None

-Council Member Donahue stated he is working with Engineer Tanner to have mulch placed around the playground equipment. Due to prohibitive costs, Council Member Donahue stated that the Borough could have a large bulk delivery of mulch and assemble a team of volunteers to roto-till the existing mulch, level it and place fabric down to deter weeds. Council Member Donahue inquired if the County Prisoners would be available to help spread the mulch. Council Member Donahue and Engineer Tanner felt this task could be completed with volunteers for a cost of \$9,000.00. A discussion ensued regarding the time of year, and whether or not it would be too cold to spread mulch. Upon conclusion of the discussion, Council Member Donahue was asked to bring some quotes and a plan back to the next meeting.

NEW BUSINESS

Application for Membership to the Rocky Hill Hook & Ladder Company- Robert Keller

Motion was made by Goldman to approve the application as presented. Motion was seconded by Pausch. Motion carried on roll call vote- all ayes.

For: Banks, Donahue, Goldman, Pausch
Against: None
Abstain: None

COMMUNICATIONS

Communications as listed were distributed, disseminated and filed accordingly.

Mayor Zimmerman added the following communications:

1. A flyer from Montgomery Township School regarding a public workshop meeting on 11/9/2010 at the Upper Middle School.

Approved 11/15/2010

2. A flyer from Montgomery Township Schools regarding a meeting on 11/11/2010 at the Upper Middle School.

FINAL PUBLIC COMMENT

The floor was opened to the public for comments/questions. Hearing none floor was immediately closed.

EXECUTIVE SESSION- Resolution 2010-72 Resolution to Retire into Executive Session- Township or Montgomery-Memorandum of Understanding for Maintenance of Van Horne Park

Resolution to enter into executive session for purposes as outlined above was read into the record by Acting Borough Clerk Newman. Motion was made by Goldman for approval of the resolution. Motion seconded by Donahue. Motion carried on roll call vote- all ayes. (8:49 PM)

RESULTS OF EXECUTIVE SESSION

Results of Executive Session are not available to the public at this time. (9:55 PM)

UNFINISHED BUSINESS- CONTINUED

Ordinance Discussion – Chapter 64 - Council President Goldman stated she has been working in conjunction with Borough Attorney Cruz to amend Chapter 64 to match the State Statute. During the research stage of this Ordinance, it was determined that a resolution was never passed in 1968 when this Ordinance was originally adopted. A discussion ensued regarding the dwellings in the Historic District. Upon conclusion of the discussion, Council President Goldman determined that she would prepare the Ordinance & Borough Attorney Cruz would prepare the necessary resolution for possible introduction at the next Council Meeting.

Chapter 50 - A discussion ensued regarding repealing the Ordinance pertaining to alarms. It was determined that the Borough has sufficient noise Ordinances to be able to enforce an alarm siren. Council President Goldman stated she would draft an Ordinance to repeal Chapter 50 for Borough Attorney Cruz's approval.

Chapter 74 - A discussion ensued regarding Circuses and Carnivals. Council Members were concerned that this Ordinance as amended may limit private events. After conclusion of the discussion it was advised that a brief Ordinance to repeal the above chapter would be preferred.

ADJORNMENT

Motion was made by Goldman with a second by Banks to adjourn the meeting at 10:24 PM. All voted in favor of adjournment.

Respectfully Submitted:

Rebecca P. Newman
Acting Borough Clerk

RESOLUTION 2010-69

**BOROUGH OF ROCKY HILL
SOMERSET COUNTY**

WHEREAS, the Appellate Division recently ruled that the fees collected under the Open Public Records Act must reflect actual photocopying costs for government records; and

WHEREAS, the State Legislature recently amended OPRA, revising the permissible fees for copying charges for government records; and

WHEREAS, the Governor has signed that legislation into law; and


WHEREAS, the copying costs for the Borough of Rocky Hill are \$0.05 per page for letter sized paper and smaller, and \$0.07 per page for legal sized paper and larger.

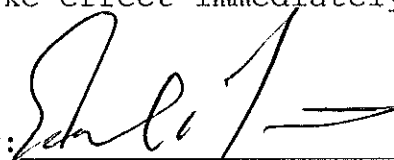
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rocky Hill, County of Somerset, State of New Jersey, as follows:

1. That the fees for duplication of government records will be \$0.05 per page for letter sized paper and smaller, and \$0.07 per page for legal sized paper and larger.

2. This Resolution shall take effect immediately.

ATTEST:

By: 
Rebecca P. Newman
Acting Borough Clerk

By: 
Edward P. Zimmerman, Mayor

CERTIFICATION

I, Rebecca P. Newman, Acting Borough Clerk of the Borough of Rocky Hill do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Borough Council on November 3, 2010.

Rebecca P. Newman
Acting Borough Clerk

RESOLUTION 2010-70

**BOROUGH OF ROCKY HILL
SOMERSET COUNTY**


WHEREAS, items as listed below are purchased equipment no longer of practical use to the Borough, and are hereby declared surplus property.


QTY	Item	Make	Model	Serial
1	Keyboard	Dell	Quiet Key	TH095FEM-37171-154-4236
1	Keyboard	Dell	Quiet Key	MY09C487-38843-15J-5435
1	Keyboard	Dell	Quiet Key	MY09C487-38843-15J-0219
1	Keyboard	Dell	Quiet Key	MY09C487-38843-15J-4960
3	Mouse			
1	12 Port Switch	3Com	Super Stack	7YDB042724
1	12 Port Switch	3Com	Super Stack	7YDB042804
1	16 Port Hub	Lynksys		95100097 MX-05C544-47801- 179-H2FP
1	19" Monitor	Dell	M991	MX-05C544-47801-179-H2FP
1	19" Monitor	Dell	M991	MX-05C544-47801-179-H2F9
1	19" Monitor	Dell	M991	MX-05C544-47801-179-H2GK
1	17" Monitor	NEC	Multi-Sync	2E785761
1	Firewall	Net Gear	VPN	FVS1349AD227852
1	Computer Tower	Dell	Dimension 8100	7QYQQ01
1	Computer Tower	Dell	Dimension 8100	4QYQQ01
1	Computer Tower	Dell	Dimension 8100	DQYQQ01
1	Computer Tower	Dell	Power Edge300SC	BX0RQ01
1	Computer Tower	Dell	Dimension L933R	37V3201
1	4 Drawer Metal File Cabinet			
1	5 Drawer Metal File Cabinet			
3	2 Drawer Metal File Cabinet			
5	3 Drawer Metal File Cabinet			
1	Combo File Drawer & Desk Drawer			

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rocky Hill that the Certified Financial

Officer be authorized to advertise the surplus items for auction on the Governmental site E Auction, and if unsuccessful, the Acting Borough Clerk shall be authorized to advertise the surplus items for donation or proper disposal.

ATTEST:

By: 
Rebecca P. Newman
Acting Borough Clerk

By: 
Edward P. Zimmerman, Mayor

CERTIFICATION

I, Rebecca P. Newman, Acting Borough Clerk of the Borough of Rocky Hill do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Borough Council on November 3, 2010.

Rebecca P. Newman
Acting Borough Clerk

RESOLUTION 2010- 71

**BOROUGH OF ROCKY HILL
SOMERSET COUNTY**

WHEREAS, the Borough of Rocky Hill received bids at a public bid opening on October 13,2010 in the Borough Clerk's Office for Contract No. 10-04-RHB 2010 Roadway and Sidewalk Improvements; and

WHEREAS, the Borough received and opened two (2) bids as follows:

DeSantis Construction	
Base Bid	\$66,082.10
Alternate No.1	\$11,628.00
Alternate No. 2	\$64,908.00

Diamond Construcion	
Base Bid	\$97,686.00
Alternate No.1	\$12,000.00
Alternate No. 2	\$44,680.00

and;

WHEREAS, the lowest responsible bidder was DeSantis Construction of Somerset, NJ; and

WHEREAS, the Borough has elected to award the Base Bid and Alternate No. 1 for a total of \$77,710.10; and

WHEREAS, the Borough has elected to award Alternate No. 2 for a total of \$64,908.00 subject to inclusion of the work within the NJDOT grant; and

WHEREAS, there are sufficient funds in the Borough of Rocky Hill budget for this purchase from grant monies secured in 2009 in the amount of \$125,000.00; and

WHEREAS, there are sufficient funds in the Borough of Rocky Hill budget to supply the additional \$17,618.10 to make the entire amount of the award, \$142,618.10; and

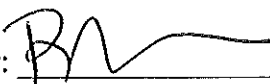
WHEREAS, there are insufficient funds to award Alternates No. 3 through Alternate No. 9; and

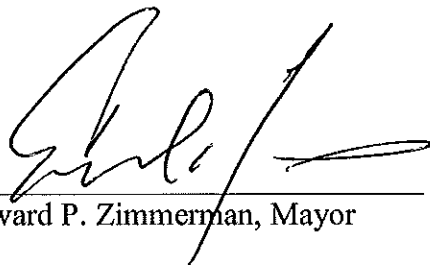
WHEREAS, because the Borough sought bids pursuant to the Local Public Contracts Law, the Borough complied with the Local Unit Pay-to-Play Law;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rocky Hill, County of Somerset, State of New Jersey, as follows:

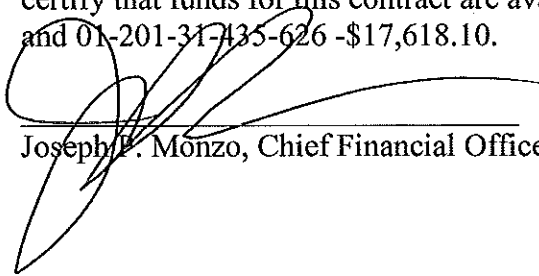
1. That the Borough of Rocky Hill awards Contract #10-04-RHB to DeSantis Construction of Somerset, NJ, in the amount of \$142,618.10 subject to approval of Alternate No. 2 in the State approval of the contract; and
2. That the Borough of Rocky Hill awards Contract #10-04RHB to DeSantis Construction of Somerset, NJ subject to approval of the contractor by NJDOT; and
3. That there are sufficient funds in the Borough of Rocky Hill budget for this contract as certified by the Chief Financial Officer.
4. This Resolution shall take effect immediately.

ATTEST:

By: 
Rebecca P. Newman
Acting Borough Clerk

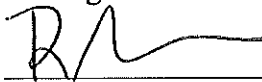
By: 
Edward P. Zimmerman, Mayor

I, Joseph P. Monzo, Chief Financial Officer of the Borough of Rocky Hill do hereby certify that funds for this contract are available from 02-213-40-803-125- \$125,000.00 and 01-201-31-435-626 -\$17,618.10.


Joseph P. Monzo, Chief Financial Officer

CERTIFICATION

I, Rebecca P. Newman, Acting Borough Clerk of the Borough of Rocky Hill do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Borough Council on November 3, 2010.


Rebecca P. Newman
Acting Borough Clerk

EXPLANATION: THIS RESOLUTION ALLOWS THE BOROUGH COUNCIL TO RETIRE INTO EXECUTIVE SESSION.

BOROUGH OF ROCKY HILL

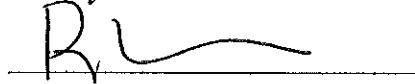
RESOLUTION 2010 - 72

WHEREAS, Section 8 of the Open Public Meetings Act (N.J.S.A. 10:4-12(b) (1-9) permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Borough Council is of the opinion that such circumstances exist.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rocky Hill, County of Somerset, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action on the executive Session of November 3, 2010.
2. The general nature of the subject matter to be discussed is as follows:
 - Contract Negotiations: Township of Montgomery- Memorandum of Understanding for Maintenance of Van Horne ParkMinutes of said discussion will be made available as soon as it is deemed in the public interest to do so.
3. The Borough Council may take official action on those items discussed in executive session upon completion of the executive session.
4. This Resolution takes effect immediately.



Rebecca P. Newman

Acting Borough Clerk

CERTIFICATION

I, Rebecca P. Newman, Acting Borough Clerk, of the Borough of Rocky Hill, County of Somerset, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Borough Council at a regular meeting of said Council held on November 9, 2010.

Rebecca P. Newman
Acting Borough Clerk